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RODAN & FIELDS, LLC

(Additional Attorneys Listed Below)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BARBARA LEWIS, AKEMI BUCKINGHAM,  
BOBBIE JOE HULING, CYNTHIA  
WHETSELL, MARTHA MERLE, ELAINA  
HUFNAGEL, TERESA GATTUSO, ELISSA  
WAGNER, AND DIXIE WILLIAMS,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,

Plaintiffs.

v.

RODAN & FIELDS, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY,

Defendant.

Case No.: 4:18-cv-02248-PJH

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER AMENDING  
APRIL 9, 2020 ORDER AND ADR  
STIPULATION AND ORDER**

Plaintiffs and Defendant Rodan +Fields, LLC (“Rodan + Fields”) (collectively, the  
“Parties”), by and through their respective counsel of record, state as follows:

1           1.       In this litigation, the Parties are currently engaged in deposition discovery and  
 2 briefing on Plaintiffs' motion for class certification, filed on February 14, 2020. Rodan + Fields'  
 3 opposition is currently due May 29, 2020, and Plaintiffs' reply is due June 26, 2020. By this  
 4 stipulation and request for a new briefing order, the Parties respectfully request a further (short)  
 5 modification of the briefing schedule to allow for the completion of discovery suspended in light  
 6 of the COVID-19 pandemic.

7           2.       After Plaintiffs filed their motion for class certification, counsel for Rodan +  
 8 Fields completed depositions of five class representatives in Santa Barbara, Boston, and New  
 9 York. The depositions of two class representatives, Dixie Williams in Seattle, Washington and  
 10 Cynthia Whetsell in Peoria, Illinois, as well as the depositions of Plaintiffs' experts, Laura  
 11 Periman in Seattle and Stephan Boedeker in Los Angeles, were postponed due to COVID-19 SIP  
 12 orders and related health advisories. In support of their reply briefing, counsel for Plaintiffs will  
 13 want to depose defense experts.

14           3.       The Parties in this case have coordinated discovery with the parties in the related  
 15 state-court coordinated proceeding, *Gorzo, et al. v. Rodan & Fields, LLC*, JCCP No. 4891 (Cal.  
 16 Super. Ct. San Francisco County), where class certification briefing is also underway and  
 17 proceeding on a similar schedule.

18           4.       Lead counsel for the Parties, located in California, Illinois and Washington, and  
 19 the named Parties, including many of Rodan + Fields' employees, have been subject to SIP  
 20 orders since approximately mid-March due to the current COVID-19 pandemic. Because these  
 21 orders have been extended through May, Rodan + Fields has not been able to complete the  
 22 depositions of the remaining Plaintiffs or their experts.<sup>1</sup> The current state of affairs has imposed  
 23

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24 <sup>1</sup> [https://www.seattletimes.com/seattle-news/politics/inslee-announces-extended-stay-home-order-](https://www.seattletimes.com/seattle-news/politics/inslee-announces-extended-stay-home-order-outlines-plan-to-reopen-washington-in-phases/)  
 25 [outlines-plan-to-reopen-washington-in-phases/](https://covid19.ca.gov/stay-home-except-for-essential-needs/); [https://covid19.ca.gov/stay-home-except-for-essential-](https://covid19.ca.gov/stay-home-except-for-essential-needs/)  
 26 [needs/](https://www2.illinois.gov/dceo/Media/PressReleases/Pages/PR20200423.aspx); <https://www2.illinois.gov/dceo/Media/PressReleases/Pages/PR20200423.aspx>; *See*  
 27 [https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-bay-area-public-health-officers-to-](https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-bay-area-public-health-officers-to-extend-revise-shelter-in-place-orders/)  
[extend-revise-shelter-in-place-orders/](https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-san-francisco-shuts-down-golden-gate-parks-jfk-drive-to-allow-social-distancing/); [https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-](https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-san-francisco-shuts-down-golden-gate-parks-jfk-drive-to-allow-social-distancing/)  
[san-francisco-shuts-down-golden-gate-parks-jfk-drive-to-allow-social-distancing/](https://sanfrancisco.cbslocal.com/2020/04/27/coronavirus-update-san-francisco-shuts-down-golden-gate-parks-jfk-drive-to-allow-social-distancing/)

1 burdens on the ability of counsel to prepare and submit briefing in connection with Plaintiffs'  
 2 motion for class certification, and to obtain supporting evidence from party witnesses and  
 3 experts. Although it is the strong preference of R+F to conduct depositions in person, the Parties  
 4 acknowledge that there are technological solutions available that would allow depositions and  
 5 briefing to go forward in June, even if the current SIP order remain in place.

6 5. In light of the foregoing, the Parties have met and conferred, and have agreed on  
 7 small adjustments to the existing schedule. The Parties therefore respectfully request that the  
 8 current deadlines be extended, and that the Court's April 8, 2020 Order be amended as follows:

- 9 • Rodan + Fields' Opposition to Plaintiff's Motion for Class Certification to be  
 10 filed by July 3, 2020;
- 11 • Plaintiffs' Reply in Support of its Motion for Class Certification to be filed by  
 12 July 31, 2020;
- 13 • Expert disclosure by Rodan + Fields due by July 3, 2020;
- 14 • Plaintiffs' rebuttal expert disclosure due by July 31, 2020; and
- 15 • The Parties must complete the private mediation contemplated by the October 15,  
 16 2019 Stipulation and Order, ECF No. 83, the January 23, 2020 Order, ECF No. 86,  
 17 and the April 8, Order, ECF No. 134, at a mutually convenient time and location  
 18 on or before August 24, 2020.

19 **IT IS SO STIPULATED**, through Counsel of Record, who respectfully request that this Court  
 20 enter the accompanying order.

21 Dated: May 28, 2020

22 /s/ Stephanie A. Sheridan  
 Counsel for Defendant

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19 *Attorneys for Defendants*

20 Dated: May 28, 2020

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**ATTESTATION OF FILER**

I, Stephanie A. Sheridan, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all other signatories to this document concurred in its filing.

By: /s/ Stephanie A. Sheridan  
Stephanie A. Sheridan

**CERTIFICATE OF SERVICE**

I, Stephanie A. Sheridan, hereby certify that on May 28, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

By: /s/ Stephanie A. Sheridan  
Stephanie A. Sheridan

~~[PROPOSED]~~ ORDER

Pursuant to the Parties' stipulation, the Court hereby **ORDERS:**

1. The Court's April 8, 2020 Order shall be amended as follows:

- Rodan + Fields' Opposition to Plaintiffs' Motion for Class Certification to be filed by July 3, 2020;
- Plaintiffs' Reply in Support of its Motion for Class Certification to be filed by July 31, 2020;
- Expert disclosure by Rodan + Fields due by July 3, 2020; and
- Plaintiffs' rebuttal expert disclosure due by July 31, 2020.

2. The October 15, 2019 Stipulation and Order Selecting ADR Process is amended to provide that the Parties must complete the private mediation contemplated by the October 15, 2019 Stipulation and Order, ECF No. 83, the January 23, 2020 Order, ECF No. 86, and the April 8, 2020, ECF No. 134, at a mutually convenient time and location on or before August 24, 2020.

**IT IS SO ORDERED.**

Dated: May 29, 2020

/s/ Phyllis J. Hamilton

The Honorable Phyllis J. Hamilton